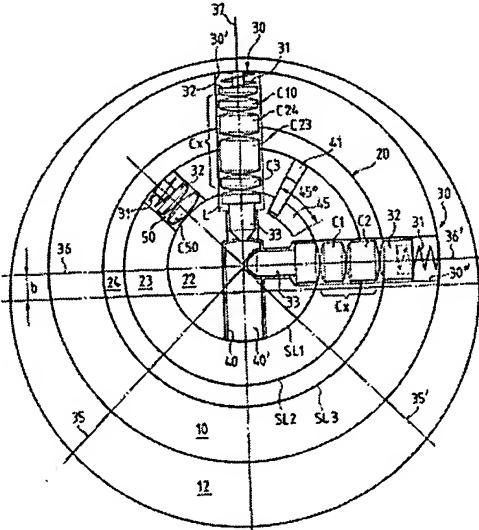


## REMARKS

In the Office Action dated February 24, 2004, the Examiner rejected claims 1, 8, 9 and 11 under 35 U.S.C. 102(b) as being anticipated by U.K. Patent Application GB 2,154,652 A (“the UK reference (652)”). Each of the remaining pending claims was rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of art, as described in further detail below.

**Rejections under 35 U.S.C. § 102:**

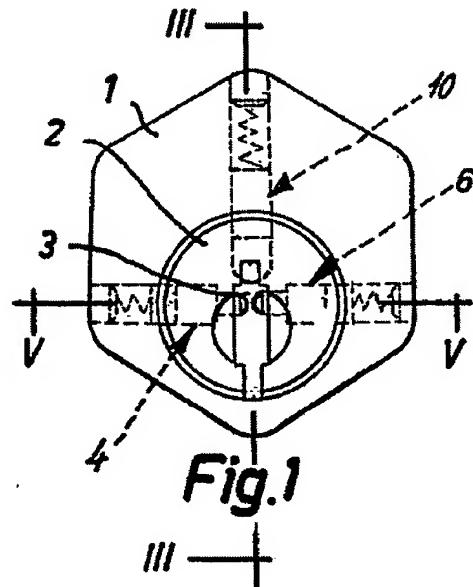
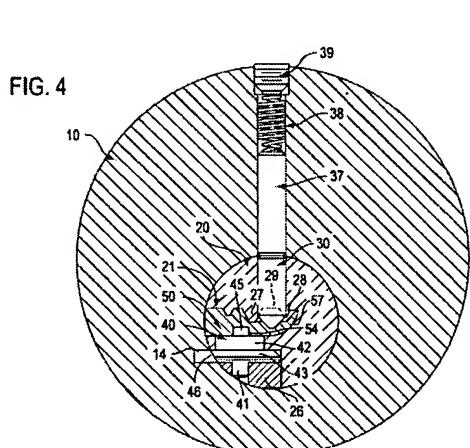
In the Office Action, claims 1, 8, 9 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.K. Patent Application GB 2,154,652 A (“the UK reference (652)”).



Accordingly, Applicant respectfully submits that the Examiner's rejection of independent claims 1 and 8 under 35 U.S.C. § 102 as being anticipated by the UK Reference has been overcome.

### **Rejections under 35 U.S.C. § 103:**

In the Office Action, 1, 2, 7-9 and 11-20 were rejected by the Examiner under 35 U.S.C. § 103 based on the UK Reference and the French (781) Reference in combination with other references, including U.S. Patent Number 6,105,404 to Field et al. (“Field ‘404”), U.S. Patent Application Number 2002/0116968A1 filed by Shvarts (“Shvarts ‘968”), the French (966) Reference, the Eras Reference and the Taylor Reference.



Claims 7, 10, 12, 13, 16 and 17 have been canceled. With respect to claims 1, 2, 8, 9, 11 and 15, the Field '404 reference fails to disclose a large number of elements, including multiple set of pass key and driver pins. Further, it can be clearly seen in Fig. 4 of the Field '404 reference (above) that the Field '404 reference discloses a very different type of lock

design as compared to the French ('781) Reference. Specifically, the Field '404 reference teaches a hybrid pin tumbler and rotary cam lock (see Fig. 4 above,) rather than a pin tumbler lock as shown in the French (781) Reference. For its part, as seen in Fig. 1 (above), the French (781) Reference fails to disclose a number of elements, including but not limited to the use of a generally-cylindrical mogul and conical pins. Further, Applicant respectfully submits that the Examiner has identified no teaching within the references motivating or suggesting to one of skill in the art to combine the Field '404 reference with the French (781) reference in the manner suggested by the Examiner.

In light of the fact that the two references disclose two very different lock mechanisms, the fact that substantial changes would have to be made to each of the two references in order to combine them in the manner suggested by the Examiner, and the fact that the Examiner has not identified any suggestion or motivation to combine these references, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness and that the Examiner's rejection of claims 1, 2, 8, 9, 11 and 14-20 under 35 U.S.C. § 103 should therefore be withdrawn.

Notwithstanding the above, and solely in order to expedite prosecution, Applicant has amended claims 1, 8 and 15 to recite the use of hardened pins to protect the driver pins and the use of a hardened shield to protect the pass key pins. As such, amended claim 1 incorporates the subject matter of former claim 7, amended claim 8 combines the subject matter of former claims 12 and 13, and amended claim 15 combines the subject matter of former claims 16 and 17. As elaborated more fully in Applicant's prior response, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case that it would be obvious to combine the

teachings of the Field '404 Reference, the French (781) reference, the Shvarts '968 Reference and the French (966) Reference in a single mechanism. Applicant respectfully submits that the combination would not be intuitive and would require the selective replacement of dozens of separate components in the various disclosed mechanisms in order to arrive at the mechanism claimed by amended claims 1, 8 and 15. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness can not be supported on the facts of the present case.

Further, even if the Examiner persists in his position that a *prima facie* case of obviousness can be established on the face of the references themselves, the Examiner is bound to consider the evidence of secondary considerations submitted herewith. Applicant is submitting herewith the Affidavit of E. Blake Kothman, P.E. As explained in his affidavit, Mr. Kothman is one of skill in the art of design of security devices and locks. *See Kothman Affidavit*, ¶¶ 1-5. As elaborated more fully in Exhibit A to Mr. Kothman's affidavit, on March 5 of 2004, Mr. Kothman supervised a performance test of a model MM2280 lock designed by Dennis Price the named inventor of the present application and manufactured by New Security Lock Company, the assignee of the present application. *Kothman Affidavit, Exh. A.* The model MM2280 lock incorporated a model 2200 Anti-Pick Mogul Cylinder of the type described and claimed in the present application. *Kothman Affidavit*, ¶ 7.

In the course of the performance test, a skilled locksmith was presented with the challenge of picking the model MM2280 lock. *Kothman Affidavit, Exh. A.* After observing the lock, the locksmith attempted to pick the lock, and was completely unsuccessful, even after being shown the key. *Kothman Affidavit, Exh. A.* After being apprised of the internal construction of the lock, the locksmith opined that drilling of the cylinder would not defeat the

lock and that only an acetylene torch would be useful for opening the lock. *Kothman Affidavit*,

*Exh. A.*

Mr. Kothman has expressed his opinion that the novel features of the claimed lock cylinder would not have been obvious to one of skill in the art at the time of the invention. *Kothman Affidavit*, ¶ 11. In support of this position, Mr. Kothman explains that there has long been an unmet need for an anti-pick mogul cylinder, and that the performance of the claimed lock cylinder is much improved over any of the prior designs submitted in support of a finding of obviousness. *Kothman Affidavit*, ¶¶ 8-9, 12-13. Mr. Kothman explains that the model 2200 Anti-Pick Mogul Cylinder is essentially “unpickable, undrillable, and impregnable” and that, in his informed opinion, there is not another lock on the market which can meet its level of performance. *Kothman Affidavit*, ¶¶ 8-9.

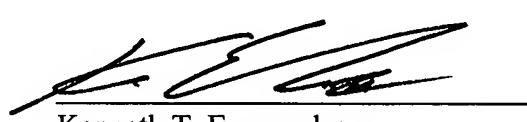
In light of this evidence of secondary considerations, including the unexpected performance of the invention and the long-felt need for this invention, Applicant respectfully submits that even if the Examiner persists in the position that a *prima facie* case of obviousness has been established, any such *prima facie* case is overcome by the objective evidence.

## CONCLUSION

For the reasons set forth above, and in light of the foregoing amendments to the claims, Applicant respectfully requests reconsideration by the Examiner. Applicant submits that the application is in condition for allowance and respectfully requests prompt, favorable action thereon. If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below. Please reference Attorney Docket No. 126885-1001.

Respectfully submitted,  
GARDERE WYNNE SEWELL, L.L.P.

Dated: 8-26-2004



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No : 10/076,947

Inventor : Dennis C. Price

Filed : February 15, 2002

For : Anti-Pick Mogul Cylinder

TC/A.U. : 3676

Examiner : Lloyd A. Gall

Docket No.: 126885-1001

**AFFIDAVIT OF E. BLAKE KOTHMAN UNDER 37 C.F.R. § 1.132**

I, E. Blake Kothman, depose and say the following of my own personal knowledge or on information and belief:

1. My name is E. Blake Kothman. I am a licensed Professional Engineer. My license was issued by the State of Louisiana under Registration # 8402 more than 40 years ago.

2. I have been working in the security industry for more than 40 years, and am familiar with the design and construction of a wide variety of lock designs used in the security industry.

3. I have reviewed, and am very familiar with, the content of United States Patent Application Serial No: 10/076,947,

entitled ANTI-PICK MOGUL CYLINDER, filed February 15, 2002 (the "Application").

4. I have reviewed, and am very familiar with New Security Lock Company Model 2200, the commercial embodiment of the Anti-pick Mogul Cylinder described and claimed in the Application.

5. I have reviewed, and am familiar with, the references cited by Patent Examiner Lloyd A. Gall in the Official Action mailed on February 24, 2004, including the following:

GB 2,154,652 A	Lock Cylinder
FR 1,538,781	Serrure de surete a noix cylindrique
US 977,085	Lock
US 1,140,209	Armor for Pin Tumbler Locks
US 5,475,997	Lock Assembly
US 6,105,404	Squiggle Keys and Cylinder Locks for Squiggle Keys
US 2002/0116968 A1	High Security Cylinder Lock and Key

6. I have reviewed, and am familiar with, the arguments against patentability presented by Examiner Lloyd A. Gall in the Official Action mailed by the U.S. Patent Office on February 24, 2004.

7. I have personally witnessed and certified a range of tests on the Model 2200 Anti-Pick Mogul Cylinder, including a lock pick test. The results of a lock pick test conducted on March 3, 2004 are attached as Exhibit A to this affidavit.

8. It is my opinion that the features of the Model 2200 Anti-Pick Mogul Cylinder make this cylinder unpickable, undrillable, and impregnable, in the absence of an impact of sufficient force to break the door and/or frame in which this cylinder is used.

9. It is my opinion that there is no product available which can meet or exceed the level of performance exhibited by the Model 2200 Anti-Pick Mogul Cylinder under the testing performed.

10. It is my opinion that the performance of this cylinder is attributable to a combination of features, which include the following:

The use of multiple pin sets in multiple lines

The use of hardened pins disposed in front of each of the pin sets to protect against drill-out of the pin sets in the mogul housing

The use of a hardened cylinder shield disposed in front of the cylinder to protect against drill-out of the pin sets in the cylinder

11. It is furthermore my opinion that it would not have been obvious to combine the references cited by Examiner Gall in the manners described in the Official Actions. The Examiner has identified no motivation or suggestion within the references themselves to combine the references in the manner he suggests, nor, in my opinion, would the knowledge of one of skill in the art of lock design necessarily lead one of skill in the art to combine the references in the various manners the Examiner suggests.

12. The novel and non-obvious nature of the inventor's claimed invention is evidenced by a longstanding unmet need in the technology of lock design for a lock cylinder which is essentially invulnerable to picking as well as to drilling out. Despite attempts to design such a lock in the past, to my knowledge no design has succeeded in presenting a solution prior to the present design.

13. Although a person of skill in the art might realize that a combination of security features in a single lock may be more secure than any of the security features by itself, the

performance of the Model 2200 Anti-Pick Mogul Cylinder, owing to the absence of a weakness, is much improved over any of the designs cited by the Examiner, each of which includes one or more inherent weaknesses, either with respect to being pickable or drillable.

14. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Lock Pick Test  
for  
New Security Lock Company, Ltd.  
(March 3, 2004)

Introduction

A Lock Pick Test was conducted on March 3, 2004 on an Anti-Pick Mogul Deadbolt Lock for New Security Lock Company, Ltd., at the facilities of J. Ross Boles Lock Company at 606 Broadway, San Antonio, Texas 78205.

Mr. Brian Barnes, Service Manager and Chief Locksmith for J. Ross Boles performed the testing. Mr. Barnes has been a locksmith for more than eleven years and has picked all types of commercial locks and safes. Mr. Barnes was qualified on Medeco locks (high security/detention locks). Hereafter, Mr. Barnes will be referred to as "the technician".

The testing was witnessed by John Hunt, John Stiles, Dennis Price, and E. Blake Kothman, P.E.

Test Article

Lock: New Security Lock Company, Ltd., MM2280 Series, Anti-Pick, Mogul Deadbolt Lock, RH, one-way with 1 1/4" Bolt, S/N 004.

Test Procedure

The lock was not installed in any holding device for the test. The technician placed the lock flat on his desk for his pick attempt. Standard lock picking tools consisting of a half diamond pick, loop pick, flat pick, and tension tool were used. Initially, the technician was not given any information about the lock. The entire procedure was video taped.

Observations

The technician observed the lock momentarily and then started the attack. After approximately eight minutes, he announced that he could not pick the lock. Mr. Dennis Price (inventor of the lock) then showed him the key. The technician then made further attempts to pick the lock. He was unsuccessful in all attempts. He further stated that more sophisticated tools, i.e. drills and or saws would be required. Mr. Price then described the internal details of the lock construction to the technician, and the technician then stated that in his opinion the lock could not be opened short of using an acetylene torch.

Conclusion

The lock tested (the MM2280) could not be opened using standard hand picking tools.

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Date:

Seal

EXHIBIT A